

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Gerhard Wötting et al.

Application No.: 10/523,567

Confirmation No.: 1372

Filed: August 29, 2005

Art Unit: 1755

For: Highly shock-resistant ceramic material

Examiner: K. E. Group

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed January 18, 2007, Applicant hereby provisionally elects Group II claims 8-11 drawn to a process of manufacture for continued examination. For the single disclosed species the applicant elects silicon nitride.

Applicants respectfully traverse the Restriction requirement because the U.S. Patent and Trademark Office has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13077-00122-US from which the undersigned is authorized to draw.

Dated: February 5, 2007

Respectfully submitted,

By

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